

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

July 19, 2007

Board Members Present

Sharon Byrd, Public Member
Bob Campbell, Professional Engineer
Philip Lim, Professional Engineer
John Love, Registered Landscape Architect
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
William Stockard, Professional Engineer
Richard Thompson, Registered Architect

Board Members Absent

James Hastings, Registered Architect

Associate Board Members Present

Carlton Norris, Professional Engineer
Dennis Henderson, Professional Engineer

Associate Board Members Absent

Raymond White, Professional Engineer

Staff Present

Kathryn Wiseman, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

The following guests attended all or part of the Board meeting:

Randy Caldwell, President of the American Society of Landscape Architects, Tennessee Chapter (ASLA-TN)
Al Bodie, American Society of Landscape Architects
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Katherine Setser, President of TIDC

CALL TO ORDER

Dana Miller, chair, called the meeting to order at 9:25 a.m. Roll call determined that a quorum was present.

Mr. Henderson was welcomed back after recovering from a serious illness.

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Mr. Love, seconded by Mr. Lim, moved to accept the agenda as presented. The motion passed unanimously.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Stockard, seconded by Ms. Byrd, moved to accept the minutes of the May 19, 2007 meeting as written. The motion passed unanimously.

Staff Complaint Report (attached)

Mr. Campbell, seconded by Mr. Schuermann, moved to accept the recommendations presented in the Complaints for Board Decision. The motion passed unanimously.

DIRECTOR'S REPORT

Mr. Cothron submitted the following report:

- Carlton Norris, Kathryn Wiseman, and he, assisted by Bob Campbell, made a presentation at the TSPE Annual Meeting in Franklin on June 8 regarding the rules of professional conduct and other issues.
- David Schuermann, Rick Thompson, Kathryn Wiseman, and he attended the National Council of Architectural Registration Boards (NCARB) Annual Meeting in Denver on June 20-23.
- Bob Campbell, Raymond White, Kathryn Wiseman, and he will be attending the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting in Philadelphia on August 22-25.
- Mr. Cothron completed his first week of the Tennessee Government Management Institute last month; he will attend one more week at Paris Landing State Park at the end of this month.
- We are now able to scan and e-mail applications and audits for review. However, this system is cumbersome and will require Board members to check and respond to their e-mails promptly. Mr. Cothron will check with Information Systems on the possibility of creating a secure website to which we could post applications and audits for review.
- The grant appropriation has been increased to \$200,000, and now includes landscape architect programs. This will necessitate changes to the grant guidelines and method of distribution, which will be a good topic of discussion for the planning session on October 17-19.
- The division's complaint Standard Operating Procedures (SOP) has been revised to incorporate more reasonable deadlines for the completion of tasks (e.g., allowing 2 days for the opening of a complaint versus 1 day). The goal of closing complaints within 180 days remains unchanged.
- Reimbursement and per diem claims must be submitted promptly (within the same pay period if possible).

Licensing Data was submitted. (attached)

Complaint Data was submitted. (attached)

OLD BUSINESS

Action Items (attached)

The action items taken from the May meeting were reviewed and the required action had been taken.

Resolution for Christy Allen (attached)

Mr. Lim, seconded by Ms. Byrd, moved to accept the resolution for former staff attorney Christy Allen as presented. The motion passed unanimously.

Delineation of Engineering and Surveying (draft policy of Land Surveyors Board attached)

Conflicts exist between the proposed policy of the Land Surveyors Board and the policy of the Board of Architectural and Engineering Examiners. Mr. Schuermann, seconded by Mr. Thompson, moved that Ms. Wiseman and the Engineering Committee meet with the members of the Land Surveyors Board to discuss the issues. The motion passed unanimously.

NEW BUSINESS

Report on National Council of Architectural Registration Boards (NCARB) Annual Meeting

Mr. Schuermann reported that

- Ms. Wiseman, Mr. Cothron, Mr. Thompson, and he attended the NCARB Annual Meeting in Denver; he noted that it was helpful having board staff in attendance;
- The council approved a resolution that allows students who are just graduating from an architectural program to take the Architectural Registration Exam (ARE);
- ARE 4.0 will be released in July 2008; this version of the exam is intended to provide a better assessment of the candidate's knowledge, skills, and abilities;
- Since interns may now take the ARE right after graduation rather than after three years of internship, the Intern Development Program (IDP) Committee is intent on strengthening the experience and examination components;
- A resolution passed that incorporates an architect's primary duty to protect the public's health, safety and welfare into the NCARB *Rules of Conduct* and *Model Regulations*;
- Two resolutions passed adding a member board executive (like Mr. Cothron) and a public director to the NCARB Board of Directors;
- The *Rules of Conduct* and *Model Regulations* were amended to clarify that even disclosure and agreement by the client does not allow an architect to be paid by an equipment supplier for specifying a particular product;
- A resolution stating that member boards should accept service on NCARB committees and task forces (when designated as HSW eligible) for continuing education credit was approved 46-6. Tennessee opposed this resolution;
- The president-elect, Douglas Engebretson, mentioned that he will explore the possibility of registering interior architects; and

- *Model Regulations* were amended to require that all 12 Professional Development Hours must be acquired in health, safety and welfare subjects.

It was pointed out that the *Rules of the Tennessee Board of Architectural and Engineering Examiners* will need to be changed to correspond with NCARB's new policy regarding when architect interns may begin taking the ARE. (See proposed amendment in the Notice of Rulemaking Hearing.)

Adoption of Robert's Rules of Order

Mr. Love, seconded by Ms. Byrd, moved that the Board use *Robert's Rules of Order* to conduct its Board meetings. The motion passed unanimously.

Committee Appointments

Officer Election Process

After discussing the matter, Mr. Thompson, seconded by Mr. Schuermann, moved that a committee be appointed to establish protocol for nominating and electing officers and for appointing members of standing committees. The motion passed unanimously.

Mr. Schuermann, seconded by Mr. Thompson, moved that the responsibilities of standing committees be a topic for discussion at the Planning Retreat in October. The motion passed unanimously. Committee assignments will be made at the October Board meeting.

FE Exam Irregularity (attached)

NCEES reported that an exam irregularity may have occurred during the April 2007 exam administration. The Engineer Committee investigated the exam event and concluded that there was insufficient proof of collusion to justify invalidating the exam results; thus, no action will be taken and the scores of the candidates in question will be released.

Legislative Requests

At a Planning Session in 2005, the Laws and Rules/Policies Committee submitted a list of suggested changes to the Board's law. Mr. Cothron retrieved the list and noted that one of the suggested changes should be submitted as a legislative request. Regarding *Tennessee Code Annotated* 62-2-301(b), Mr. Campbell, seconded by Mr. Thompson, moved that Board staff submit a legislative request to change "annual renewal" to "biennial renewal." The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Candy Toler, TSPE/ACEC-TN, submitted the following report:

- She expressed gratitude to Mr. Cothron, Mr. Norris, Mr. Campbell, and Ms. Wiseman for their presentation at the TSPE Annual meeting.
- The Tennessee Engineering Foundation is becoming the clearing house for engineering scholarships, making it possible for contributions to be made to a specific school in someone's name. Five scholarships have been given to students entering engineering schools this fall.
- ACEC has published a brochure geared toward middle school students encouraging them to seek a career in engineering.

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- TSPE/ACEC-TN, along with the American Institute of Architects Tennessee and Associated General Contractors, is promoting the adoption of the International Fire Code and the International Building Code.
- An exam review class for the Civil Engineering portion of the Principles and Practice of Engineering Exam will be held in Nashville this fall and may be offered in Memphis in the spring.

Randy Caldwell, ASLA, reported that

- The Annual Meeting of ASLA will be held in Memphis in September. Five hundred people are expected to attend;
- The meeting will be held in Knoxville in 2008 to coincide with the inauguration of the Master in Landscape Architecture program at the University of Tennessee (this program is within the School of Architecture);
- He will be speaking to the Dean about that program being accredited by the Landscape Architectural Accrediting Board; and
- Al Bodie is the new ASLA legislative liaison.

Mr. Love stated that there may be a “provisional” status of accreditation; if so, the first graduates from the landscape architecture master’s program will meet the educational requirement for registration in the State of Tennessee.

Don Baltimore, TIDC, stated that TIDC meetings will be held in September and in February.

Break – 10:45-11:00 a.m.

INFORMAL CONFERENCE

Case #L06-AEL-RBS-2006032311

Complaint #200603231

Homer McKnight, Registered Architect, #11464, appeared before the Board to discuss his competency regarding the preparation of design drawings for the First Church of the Nazarene in Shelbyville, Tennessee.

When questioned about engineering calculations, Mr. McKnight stated that he knows how to do them but hasn’t done so in quite a while. He stated that he set the parameters for the project then trusted his engineer to do correct calculations. Mr. McKnight then reviewed and signed the plans. He stated that building officials, to whom plans were submitted, made no comments and that plans were not submitted to the State Fire Marshal’s Office.

Mr. McKnight further stated that before any project is begun, they meet with the building officials and ask what they must do to comply with all codes and regulations. They believed that they were meeting all state and local requirements.

Board members found no inadequacies in the design plans, but emphasized that, for an assembly occupancy with an aggregate capacity of 300 or more persons, plans must be submitted to the State Fire Marshal’s Office. They further stressed that plans should be stamped by the person doing the drawings.

Mr. McKnight stated that he understands and in the future he will comply with the law and rules.

Mr. Campbell, seconded by Mr. Love, moved to close the case with a Letter of Caution. The motion passed unanimously.

LEGISLATIVE UPDATE/RULE CHANGES (attached)

The status of House and Senate bills relative to the Board is attached.

A proposed rule change will define approved master's degree programs in engineering in response to a newly passed law that considers a person as having met the educational requirement to sit for the Principles and Practice of Engineering exam if the applicant has a master's degree in engineering (even if the undergraduate degree is not engineering).

Another proposed rule change allows architectural examination candidates to sit for the Architect Registration Examination before completion on the Intern Development Program.

Board members will participate in a teleconference to formally approve the Notice of Rulemaking Hearing.

LEGAL CASE REPORT (presented by Ms. Wiseman)

Complaints for Board Disposition (attached)

1. *Case #L07-AEL-RBS-2007066181* *Complaint #200706618*
Mr. Schuermann, seconded by Mr. Thompson, moved to close the case. The motion passed unanimously.
2. *Case #L07-AEL-RBS-2007049591* *Complaint #200704959*
Mr. Thompson, seconded by Mr. Schuermann, moved to accept the Consent Order in which the respondent agreed to pay a civil penalty of \$300.00. The motion passed unanimously.
3. *Case #L07-AEL-RBS-2007053561* *Complaint #200705356*
Mr. Thompson, seconded by Mr. Schuermann, moved to dismiss the case. The motion passed unanimously.
4. *Case #L07-AEL-RBS-2007055321* *Complaint #200705532*
Mr. Thompson, seconded by Mr. Love, moved to accept the Consent Order in which the respondent agreed to pay a civil penalty of \$500.00. The motion passed unanimously.
5. *Case #L07-AEL-RBS-2007058771* *Complaint #200705877*
Mr. Lim, seconded by Mr. Stockard, moved to accept the Consent Order in which the respondent agreed to pay a civil penalty of \$500.00. The motion passed unanimously.
6. *Case #L07-AEL-RBS-2007066971* *Complaint #200706697*
Mr. Thompson, seconded by Mr. Schuermann, moved to close the case with a Letter of Instruction directing the respondent to obtain a new seal that meets the Board's requirements. The motion passed unanimously.
7. *Case #L06-AEL-RBS-2006044061* *Complaint #200604406*
Mr. Lim, seconded by Mr. Thompson, moved to monitor the litigation. The motion passed unanimously.

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8. *Case #L07-AEL-RBS-2007052961* *Complaint #200705296*
Mr. Schuermann, seconded by Mr. Love, moved to close the case and place the respondent's license on retired status. The motion passed unanimously.
9. *Case #L07-AEL-RBS-2007053541* *Complaint #200705354*
Mr. Schuermann, seconded by Mr. Thompson, moved to authorize an informal conference. The motion passed unanimously.
10. *Case #L07-AEL-RBS-2007056071* *Complaint #200705607*
Mr. Thompson, seconded by Mr. Schuermann, moved to close the case. The motion passed unanimously.
11. *Case #L07-AEL-RBS-2007053882* *Complaint #200705388*
12. *Case #L07-AEL-RBS-2007053881* *Complaint #200705388*
These two cases will be reviewed by a Board member.
13. *Case #L07-AEL-RBS-2007068331* *Complaint #200706833*
This case will be reviewed by a Board member.

Mr. Lim, seconded by Mr. Campbell, moved for adjournment. The motion passed unanimously.

The Board meeting adjourned at 12:45 p.m.

ATTACHMENTS

Minutes of the May 19, 2007 meeting
Complaints for Board Decision
Licensing Data
Complaint Data
Action Items taken from the May 19, 2007 meeting
Resolution for Christy Allen
Delineation of Engineering and Surveying (policy of Land Surveyors Board)
FE Exam Irregularity
Status of House and Senate Bills
Notice of Rulemaking Hearing
Complaints for Board Disposition